

21 MAR 1983

MEMORANDUM FOR: Chief, Policy and Plans Group

STAT
FROM:

[REDACTED]
Policy Branch/PPG

SUBJECT: NSDD No. 84

REFERENCE: Memorandum from DD/P&M to C/PPG, dated
18 March 1983, same subject

1. Reference called for a comparison of the published Directive with a 1982 version reviewed shortly before Subject was signed. We were also tasked to focus on paragraph 6 of the Directive to determine if it was an addition. The final tasking concerned a review of action items that concerned "things to do" to ensure compliance with the Directive. Findings follow.

° The 11 March Directive contains a new introduction, presented in two paragraphs. The first paragraph is new; it softens the tone of the Directive by noting it is consistent with the provisions of Executive Order 12356 governing classification standards and declassification.

° The second paragraph of the introduction is stronger than the original in that "unauthorized disclosures" has been changed to "unlawful disclosures."

° The text of the Directive in paragraphs 1 through 6 is the same as the 1982 version. This includes paragraph 6.

° Paragraph 6 is not alarming in concept; it represents one more effort to replace/update Executive Order 10450. Previous efforts to draft a replacement for Executive Order 10450 have caused the Agency problems, primarily because we were not represented in study groups or task forces. We should insist on Agency representation, particularly in view of the last effort chaired by DoD and OPM which addressed SCI security criteria.

[REDACTED] STAT

- ° Paragraph 7 of the 1982 version was deleted. It concerned monitoring of the development of Agency regulations that implement the Directive. The responsibility for implementation by the various Executive Branch agencies is left to the agency heads.

2. As noted in previous discussion of the draft, our regulations already cover action items such as nondisclosure agreements, prepublication review, media contacts reporting unlawful activity, use of the polygraph, and reporting unauthorized disclosures to ISOO. The proposed new regulation on damage assessments, now in draft in an OGC version, will satisfy the requirements of paragraph 2 regarding reporting and investigation of unauthorized disclosures. We should, however, explore the following in terms of clarification and possible impact:

- ° Authority of the Department of Justice (DOJ) to approve nondisclosure agreements. I read this as affirmation of the existing Secrecy Agreement by DOJ and an OGC responsibility.

- ° Authority of the Director, ISOO, to develop a standardized nondisclosure agreement. I do not believe it was intended we must use a standardized form.

- ° The requirement to report unauthorized disclosures to DOJ and ISOO. We should establish only major leaks will be reported; the burden of reporting possible disclosure associated with physical security violations would be burdensome to all concerned. Reporting polygraph findings on matters handled internally could jeopardize the Polygraph Program.

- ° Paragraph 4, dealing with "interagency agreements between FBI and other criminal investigative agencies" should be interpreted as not applicable to CIA - in the sense we are not precluded from conducting internal agencies.

- ° Revision of the OPM revision of regulations to permit use of the polygraph should be followed closely to ensure we may continue to polygraph detailees as requisite to security clearance and not just in a leak situation.

° As already stated, we should insist on representation on a group to revise Executive Order 10450. If excluded, we must monitor development of recommendations, drafts, etc. and, if necessary, alert the DDCI or DCI of developments contrary to the Agency's interests.



STAT

ROUTING AND RECORD SHEET

OS PRELIM
FILE Leg 5

SUBJECT: (Optional)

NSDD No. 84

FROM

Policy and Plans Group

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

C/PPG

3/21

D

2.

DD/A M.

21 MAR 1983

3/21

D

3.

PD/LOS

21 MAR 1983

3/23/83

D

4.

D/LOS

24 MAR 1983

28 MAR 1983

K

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

053 0589/3